

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Kimberly Marlatt,

Plaintiff,

-against-

Capital One Bank (USA), National Association,  
and TransUnion, LLC,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 9/30/2021

21 Civ. 3893 (AT)

**ORDER**

The Court has been advised that all claims asserted herein have been settled in principle as to Defendant Capital One Bank (USA), National Association (“Capital One”). ECF No. 19. Accordingly, as to Capital One only, the above-entitled action be and is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within thirty days of the date of this order if the settlement is not consummated.

Any application to reopen the case against Capital One must be filed within thirty days of this order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement against Capital One, they must submit the settlement agreement to the Court within the same thirty-day period to be so-ordered by the Court. Per Rule IV(C) of the Court’s Individual Practices in Civil Cases, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

As to Capital One only, any pending motions are moot and all conferences are vacated. The Clerk of Court is directed to terminate Capital One as a defendant.

SO ORDERED.

Dated: September 30, 2021  
New York, New York



ANALISA TORRES  
United States District Judge